

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>Derrick Talerico (SBN 223763) David B. Zolkin (SBN 155410) WEINTRAUB ZOLKIN TALERICO &amp; SELTH LLP 11766 Wilshire Blvd., Suite 730 Los Angeles, CA 90025 Telephone: 424-500-8552 Email: dtalerico@wztslaw.com dzolkin@wztslaw.com</p> <p><input type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Attorney for: Broadway Avenue Investments, LLC</i></p>	<p>FOR COURT USE ONLY</p>
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b></p>	
<p>In re:</p> <p>SEATON INVESTMENTS, LLC, Debtor.</p> <hr/> <p><input type="checkbox"/> Affects all Debtors. <input type="checkbox"/> Affects Seaton Investments, LLC <input type="checkbox"/> Affects Colyton Investments, LLC <input checked="" type="checkbox"/> Affects Broadway Avenue Investments, LLC <input type="checkbox"/> Affects SLA Investments, LLC <input type="checkbox"/> Affects Negev Investments, LLC <input type="checkbox"/> Affects Susan Halevy <input type="checkbox"/> Affects Daniel Halevy <input type="checkbox"/> Affects Alan Gomperts</p> <p style="text-align: right;">Debtors(s)</p>	<p>CASE NO.: 2:24-bk-12079-VZ</p> <p>Jointly Administered with Case Nos. 2:24-bk-12080-VZ 2:24-bk-12081-VZ 2:24-bk-12082-VZ 2:24-bk-12091-VZ 2:24-bk-12076-VZ 2:24-bk-12075-VZ 2:24-bk-12074-VZ</p> <p>CHAPTER: 11</p> <p><b>APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]</b></p>

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:
  - a. *Title of motion:* Motion of Debtor and Debtor in Possession Broadway Avenue Investments, LLC for Order Authorizing Debtor to Obtain Post-Petition Financing Pursuant to 11 U.S.C. § 364
  - b. *Date of filing of motion:* October 24, 2024
2. Compliance with LBR 9075-1(b)(2)(A): (***The following three sections must be completed:***
  - a. Briefly specify the relief requested in the motion:

The Debtors seek authority to enter into a DIP Loan with Honor Enterprise Funding, LLC.

- b. Identify the parties affected by the relief requested in the motion:

Archway Capital

- c. State the reasons necessitating a hearing on shortened time:

Broadway attempted in good faith over the course of many months post-petition to obtain Archway's consent to subordinate to the DIP Loan. Broadway was unsuccessful in obtaining Archway's consent to subordinate, which held up the Lease. It was not until the last two weeks that Broadway was able to negotiate terms with Honor to obtain the DIP Loan without a priming lien on Archway's collateral. With the DIP Loan secured, Broadway is now able to seek the approval of both the DIP Loan and the Lease. In addition, the parties to the DIP Loan and Lease are now ready to proceed immediately on those contracts, immediate approval will allow funding and revenue to flow to Broadway sooner, and Archway has been familiar with the terms of both the DIP Loan and the Lease for many weeks. Having to wait until the Court's next available on November 20<sup>th</sup> will delay the flow of funds to Broadway from the DIP Loan and the Lease for a month.

3. Compliance with LBR 9071-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory F 9075-1.1.ORDER.SHORT.NOTICE.

Date: October 24, 2024

WEINTRAUB ZOLKIN TALERICO & SELTH LLP

By: /s/ Derrick Talerico  
Derrick Talerico  
Attorneys for Debtors Seaton Investments, LLC,  
Colyton Investments, LLC, Broadway Avenue  
Investments, LLC, SLA Investments, LLC, and  
Negev Investments, LLC

**DECLARATION OF ALAN D. GOMPERTS**

I, Alan D. Gomperts, hereby declare as follows:

1. I am a manager of Broadway Avenue Investments, LLC (“Broadway” or the “Debtor”), debtor and debtor in possession in these jointly administered Chapter 11 cases.

2. I make this declaration in support of the *Application for Order Setting Hearing on Shortened Notice* (the “Application”), to which this declaration is attached. All capitalized terms not specifically defined herein shall have the meanings ascribed to them in the Motion.

3. I have been intimately involved in the business investment and ventures with my brother-in-law Daniel Halevy, mother-in-law Susan Halevy, and now deceased father-in-law David Halevy for decades, including all of the corporate Debtors implicated by the Application. As such, I am familiar with the management, operations, finances, and books and records of the corporate Debtors, including Broadway specifically and generally as to Susan Halevy and Daniel Halevy.

4. Broadway attempted in good faith over the course of many months post-petition to obtain Archway's consent to subordinate to the DIP Loan. Broadway was unsuccessful in obtaining Archway's consent to subordinate, which held up the Lease. It was not until the last two weeks that Broadway was able to negotiate terms with Honor to obtain the DIP Loan without a priming lien on Archway's collateral. With the DIP Loan secured, Broadway is now able to seek the approval of both the DIP Loan and the Lease.

5. Archway's relief from stay motion, which is set to be heard on Tuesday October 29, 2024, takes issue with the DIP Loan and Lease and casts them in an uncertain light. There is nothing uncertain about the DIP Loan or the Lease, and Broadway asks the Court to hear the motions to approve the DIP Loan and Lease on shortened notice so they can be heard concurrently with Archway's relief from stay motion to demonstrate their certainty.

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1 I declare under penalty of perjury under the laws of the United States of America that the  
2 foregoing is true and correct.

3 Executed on this 23th day of October, 2024, at Los Angeles, California.

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6 ALAN D. GOMPERTS

WEINTRAUB ZOLKIN TALERICO & SELTH LLP  
11766 WILSHIRE BLVD., SUITE 730  
LOS ANGELES, CA 90025

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
11766 Wilshire Blvd, Suite 730, Los Angeles, CA 90025

A true and correct copy of the foregoing document entitled (*specify*): **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(B)]**, will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) October 24, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See attached NEF Service List

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*)                   , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) October 24, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Vincent Zurzolo  
United States Bankruptcy Court  
255 E Temple St Suite 1360  
Los Angeles, CA 90012

(via personal delivery)

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 24, 2024  
Date

Martha E. Araki  
Printed Name

/s/ Martha E. Araki  
Signature

Seaton Investments, LLC – Jointly Administered

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

- Attorneys for Corporate Debtors Seaton Investment, LLC, Colyton Investments, LLC, Broadway Avenue Investments, LLC, Negev Investments, LLC, SLA Investments, LCC: **Derrick Talerico:** dtalerico@wztslaw.com; maraki@wztslaw.com; sfritz@wztslaw.com; admin@wztslaw.com
- Attorneys for Individual Debtors Alan Gomperts, Daniel Halevy, Susan Haley: **Zev Shechtman, Carol Chow, Turner Falk, Ryan Coy:** zev.shechtman@saul.com; zshechtman@ecf.inforuptcy.com; carol.chow@saul.com; easter.santamaria@saul.com; turner.falk@saul.com; ryan.coy@saul.com
- Attorneys for Creditor First Foundation Bank: **Scott R Albrecht:** scott.albrecht@sgsattorneys.com; jackie.nguyen@sgsattorneys.com
- Attorneys for Creditor Korth Direct Mortgage, Inc.: **Tanya Behnam:** tbehnam@polsinelli.com, tanyabehnam@gmail.com; ccripe@polsinelli.com; ladocketing@polsinelli.com
- Attorneys for Creditor Los Angeles County Treasurer and Tax Collector: **Jacquelyn H Choi:** jacquelyn.choi@rimonlaw.com; docketingsupport@rimonlaw.com
- Attorneys for Creditor United States of America on behalf of the Internal Revenue Service: **Robert F Conte:** robert.conte@usdoj.gov; caseview.ecf@usdoj.gov; usacac.tax@usdoj.gov
- Courtesy NEF/Interested Party: **Christopher Cramer:** secured@becket-lee.com
- Attorneys for Creditor Archway Real Estate Income Fund I SPE I, LLC: **Michael G. Fletcher, Bruce D. Poltrack, Paige Selina Poupart, Gerrick Warrington:** mfletcher@frandzel.com; ppoupart@frandzel.com; gwarrington@frandzel.com; bpoltrock@frandzel.com; sking@frandzel.com; achase@frandzel.com
- Attorneys for Creditor Wells Fargo National Bank West: **Todd S Garan:** ch11ecf@aldridgepitc.com; TSG@ecf.inforuptcy.com; tgaran@aldridgepitc.com
- Attorneys for Creditor Los Angeles County Treasurer and Tax Collector: **Richard Girgado:** rgirgado@counsel.lacounty.gov
- Attorneys for Creditor Harvest Small Business Finance, LLC: **Jacqueline L James:** jjames@hrhlaw.com
- Courtesy NEF/Interested Party Avi Muhtar: **Avi Edward Muhtar:** amuhtar@eaccidents.com
- Attorneys for Creditor Wells Fargo Bank, N.A.: **Jennifer C Wong:** bknotice@mccartyholthus.com; jwong@ecf.courtdrive.com
- US Trustee's Office: ustpregion16.la.ecf@usdoj.gov; **Kelly L. Morrison:** Kelly.l.morrison@usdoj.gov